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ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLUMBIA

August 3, 2009

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Arizona Corporation Commission

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AUG - 7 2009



Re: Tierra Linda Homeowners Association, Inc.
Docket No. ~~E-0436A~~-04-0075
W04236A-04-0075

To Whom It May Concern:

Enclosed for filing in the above-referenced proceeding are the original and thirteen (13) copies of a Motion For Extension of Compliance Condition Filing Deadline ("Motion") on behalf of Tierra Linda Homeowners Association, Inc.

Also enclosed are two (2) additional copies of the Motion. I would appreciate it if you would "filed" stamp the same and return them to me in the enclosed stamped and addressed envelope.

Thank you for your assistance. Please advise me if you have any questions.

Sincerely,

Angela R. Trujillo
Secretary

Lawrence V. Robertson, Jr.

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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BEFORE THE ARIZONA CORPORATION COMMISSION
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COMMISSIONERS

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KRISTIN K. MAYES, Chairman
GARY PIERCE
SANDRA D. KENNEDY
PAUL NEWMAN
BOB STUMP

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF) DOCKET NO. ^{W04236A}~~E-0436A~~-04-0075
TIERRA LINDA HOMEOWNERS ASSOCIATION,)
INC. FOR A CERTIFICATE OF CONVENIENCE) MOTION FOR EXTENSION OF
AND NECESSITY TO PROVIDE WATER) COMPLIANCE CONDITION
SERVICE IN PIMA COUNTY, ARIZONA) FILING DEADLINE

I.

INTRODUCTION

By means of this Motion For Extension of Compliance Condition Filing Deadline ("Motion"), Tierra Linda Homeowners Association, Inc. ("Tierra Linda") requests that the Commission issue an appropriate order extending the deadline for Tierra Linda filing a rate application from October 9, 2009 to October 9, 2010. In support of its Motion, Tierra Linda submits the following information.

II.

BACKGROUND

On July 9, 2004, the Commission issued Decision No. 67104 granting a certificate of convenience and necessity ("CC&N") to Tierra Linda to provide water service in an unincorporated area in Pima County, Arizona, approximately 17 miles northwest of the City of Tucson. Finding of Fact No. 23 in Decision No. 67104 contains the following recommendation from the Commission's Staff as a condition to granting the CC&N requested by Tierra Linda:

"... that the Commission order Tierra Linda HOA to file a rate application no later than three months following the fifth anniversary of any Decision in this matter." [Decision No. 67104, page 6, lines 22.5-23.5]

1 Conclusion of Law No. 7 in Decision No. 67104 states that

2 "Staff's recommendations, as set forth in Finding of Fact Nos. 23
3 and 24 should be adopted." [Decision No. 67104, page 7, lines
4 22.5-23.5]

5 The adoption by the Commission which is pertinent to the instant Motion appears in the Seventh
6 Ordering Paragraph of Decision No. 67104, which provides that

7 "IT IS FURTHER ORDERED that Tierra Linda Homeowners
8 Association, Inc. shall file a rate application no later than three
9 months following the fifth anniversary of this Decision."
[Decision No. 67104, page 9, lines 23-24]

10 Decision No. 67104 was issued on July 9, 2004. Accordingly, the deadline for
11 complying with the aforesaid condition is October 9, 2009, or five years and three months after
12 the date of issuance of Decision No. 67104.

13 III.

14 INTERIM CIRCUMSTANCES

15 OCCASIONING INSTANT MOTION

16 On June 26, 2009 Tierra Linda and Gary Smyth ("Smyth") filed a Joint Application with
17 the Commission requesting an opinion and order (i) authorizing the sale of Tierra Linda's water
18 system assets to Smyth, and (ii) transferring Tierra Linda's CC&N to Smyth. The Joint
19 Application has been assigned Docket Nos. W-20689A-09-0327 and W-04236A-09-0327. The
20 Joint Application is currently in the initial stages of the Commission Staff's administrative
21 review.

22 Given the impending possible change in ownership and operation of the Tierra Linda
23 water system, Tierra Linda and Smyth believe(s) that requiring Tierra Linda to prepare and file a
24 rate increase application pursuant to the aforesaid compliance condition in Decision No. 67104
25 would not represent a prudent use of either Tierra Linda's or the Commission Staff's time and
26 financial resources. In that regard, it is likely that a Commission decision on the aforesaid Joint
27 Application will be forthcoming before the issuance of a Commission decision on any rate
28 application which might be filed by Tierra Linda between now and October 9, 2009. Moreover,

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1 it is conceivable that Smyth might have a different view than Tierra Linda as to what proposed
2 new rates and charges would be most appropriate for the Tierra Linda system and its customers.
3 Accordingly, Tierra Linda (and Smyth) has (and have) concluded that filing a request with the
4 Commission to extend the aforesaid October 9, 2009 compliance condition deadline by one (1)
5 year to October 9, 2010 is in order. The instant Motion reflects that conclusion.

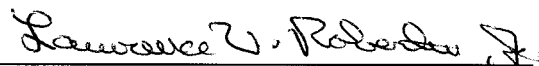
6
7 **IV.**

8 **CONCLUSION**

9 WHEREFORE, for the reasons discussed above, Tierra Linda requests by means of this
10 Motion that the Commission issue an appropriate order extending the deadline for Tierra Linda
11 filing a rate application from October 9, 2009 to October 9, 2010.

12 Dated this 31st of July 2009.

13 Respectfully submitted,

14 

15 Lawrence V. Robertson, Jr.
16 Attorney for Tierra Linda Homeowners,
17 Association, Inc.

18 The original and thirteen (13) copies of the
19 foregoing Application will be mailed for filing
20 this 31st day of July 2009 to:

21 Docket Control
22 Arizona Corporation Commission
23 1200 West Washington Street
24 Phoenix, Arizona 85007

25 A copy of the foregoing Application has been
26 emailed or mailed this same date to:

27 Lyn A. Farmer,
28 Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
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